



14 MAR 2006

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In re Application of :  
JUST, Perry :  
U.S. Application No.: 10/509,845 :  
PCT No.: PCT/NZ03/00054 :  
Int. Filing Date: 31 March 2003 :  
Priority Date: 31 March 2002 :  
Attorney's Docket No.: 14684.70 :  
For: METHOD AND APPARATUS FOR :  
PRODUCING PLANT CONTAINER :  
LINERS PARTICULARLY FROM :  
SPHAGNUM MOSS :

## DECISION

This is a decision on the request to delete an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) filed 12 October 2005.

### BACKGROUND

On 16 May 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 12 October 2005, applicants filed the subject petition which was accompanied by, *inter alia*, the petition fee; a copy of an assignment; a declaration; a document titled "Statutory Declaration Under 37 CFR § 1.497(d)(1)"; a document titled "Consent of Assignee Pursuant to 37 CFR § 1.497(d)(3)"; and a three-month extension and fee.

### DISCUSSION

Applicant requests to remove Luke Valor as an inventor in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being removed as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(l); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicant filed a statement by Luke Valor who requests to be removed as an inventor in the above-captioned application. Mr. Valor states that the "error in inventorship . . . occurred without deceptive intention on my part." The processing fee of \$130.00 has been paid. Applicant also submitted a document titled "Consent of Assignee Pursuant to 37 CFR 1.497(d)" approving the change of inventorship in the above-identified application. This document was signed by the Fervent Stedfast as Trustee of the Christian Community Trust. Mr. Stedfast declares that he is "authorized to sign on behalf of the Christian Church Community Trust." This statement along with the copy of the assignment satisfies section 324 of the MPEP.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

### **CONCLUSION**

Applicant's request under 37 CFR 1.497(d) is **GRANTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 31 March 2003, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 12 October 2005.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

  
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